

## Applicability

Anyone excavating or grading within the City of San Jose is required to obtain a "Notice of Exemption" or "Grading Permit" from the *City of San Jose*, Department of Public Works. The excavation and grading ordinance is intended to establish uniform standards to safeguard life, limb, property, water quality and natural resources, and to promote the public welfare by regulating grading.

The grading permit is usually the final development step prior to breaking ground. Therefore, all Planning Department permits should be secured prior to the issuance of a grading permit.

## Project Review Procedure

### Schedule an Appointment with Staff

**An appointment is required to submit a Grading Permit application.** Generally, most projects proposing grading have been through the Planning Permit process, at which time a Public Works Project Engineer was assigned to the Project. The Public Works Project Engineer will be your single point of contact for all Public Works permits related to this project. If you already know the name of the PW Project Engineer, please contact him/her directly to schedule an appointment for plan submittal. If you are unsure of the PW Project Engineer assigned to your project, please contact staff at (408) 277-5161 with your Planning Permit number, and we will look up the name of the Project Engineer assigned to your project.

However, if your project did not require a Planning Permit, a Project Engineer will need to be assigned to your project. Please fax a copy of your completed **Application for Grading Permit** form and a map showing the project's location to (408) 277-3879. A Project Engineer will be assigned to your project and will then call you to schedule an appointment for submittal.

### Notice of Exemption

A "Notice of Exemption" may be issued if it is determined that your project meets the specific code criteria (see Attachment A).

### Grading Permits

If a permit cannot be issued over-the-counter, the check print will be returned within 10 working days.

## Submittal Instructions

For any Grading Permit the following documents need to be submitted:

- 1) **Application for Grading Permit Form** completely filled out along with the applicant's name and signature.
- 2) **Grading Plan** must be in compliance with the requirements of the grading ordinance. Any variation from code requirements must be noted on the plan and supported by evidence that the variation will not pose any hazards to public health and safety or be expensive to maintain. (See Attachment B)
  - Three (3) copies of the original (24"x36").
- 3) **Soils and Geologic Report** if required. Please note: a **Geologic Hazard Clearance** will also be required prior to issuance of the Grading Permit if the site is in the City Geologic Hazard Zone or the State Landslide Seismic Hazard Zone.

- 4) **Project Earthwork Specifications:** Two copies each, submitted under a separate cover from the soil report and titled "Grading Specifications". Specifications shall contain information pertaining to grading construction and material requirements, methods, and scheduling.
- 5) **Non-Potable Water Exception** (if applicable). If the project site is south of Trimble Road and the applicant opts to apply for a Non-Potable Water Exception.
- 6) **City Fees** (see the current "Public Works Permit Fees" Fee Schedule)

## **Other Requirements**

### **Haul Route**

If your project will be moving more than 10,000 C.Y. of earth, then a Haul Route Permit is required.

### **Final Report**

If a Final Report is required, adhere to the "Final Report Guidelines" shown on Attachment D.

### **Permit Extension**

The term of a valid Grading Permit can be extended at the discretion of the PW Development Services Project Engineer (see the current "Public Works Permit Fees" Fee Schedule).

The renewal of an expired Grading Permit can be allowed at the discretion of the PW Development Services Project Engineer (see the current "Public Works Permit Fees" Fee Schedule).

***For any further questions or inquiries, contact the Customer Service Staff at (408) 277-5161.***

### **NOTICE of EXEMPTION CRITERIA**

If your grading project meets any of the criteria below, and your project is not in a **Geologic Hazard Zone**, a **Flood Hazard Zone**, or **contains wetlands**, you may be exempted from obtaining a Grading Permit from the *City of San Jose*.

- 1) An excavation below finished grade for basement or footings of a building, retaining wall, or other structures authorized by a valid building permit. This shall not exempt any excavation having an unsupported height greater than five feet after completion of such structure;
- 2) Excavations for cemetery graves, swimming pools, wells, tunnels, utilities, storm drains and sanitary sewers;
- 3) Refuse disposal sites controlled by other regulations;
- 4) Mining, quarrying, excavation, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or the pressure upon any adjacent or contiguous property;
- 5) Exploratory excavations under the direction of soil engineers or engineering geologists;
- 6) Grading or temporary stockpiling in an isolated, self-contained area if there is no danger apparent to private or public property;
- 7) Any project meeting all of the following conditions:
  - No excavation greater than two feet and no embankment greater than three feet;
  - No engineered slope steeper than two to one or having a slope distance greater than five feet;
  - Earthwork which will not penetrate or disturb any permanent or seasonal spring, or any permanent, seasonal or perched aquifer and will not obstruct any surface drainage course;
  - All embankments for the support of structures are less than one foot in depth and placed on terrain having a natural slope of five percent or flatter; and
  - The total quantity of cut or fill does not exceed **one hundred fifty (150)** cubic yards.
- 8) Earthwork entirely within public rights-of-way or easements and/or which is authorized and administered by a public agency.

A grading permit exemption shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the grading ordinance or any other laws or ordinances of the City of San Jose.

## **REQUIREMENTS FOR PREPARATION OF PLANS & SPECIFICATIONS**

### ***Plans should....***

- 1) Be drawn to scale and must be of sufficient clarity to indicate the nature and extent of the work proposed.
- 2) Be prepared under the direction of a Registered Civil Engineer and signed by the engineer with his/her registration number, date of expiration, and seal (for engineered grading or grading in excess of 5,000 cubic yards).
- 3) Include the following information:
  - Vicinity map, north arrow, legend, and scale
  - Approval signature block as formatted below:

APPROVED FOR GRADING ONLY  
DEPARTMENT OF PUBLIC WORKS  
CITY OF SAN JOSE, CALIFORNIA  
By \_\_\_\_\_  
Date \_\_\_\_\_  
Expiration Date \_\_\_\_\_

- Quantities (cubic yards):  
Cut \_\_\_\_\_ Fill \_\_\_\_\_ Import \_\_\_\_\_ Export \_\_\_\_\_
- All applicable standard grading notes, as included in this package (see Attachment C);
- Property limits and accurate contours of existing ground and details of terrain and area drainage; including off-site data relating to slopes and drainage;
- Plans of all surface and subsurface drainage devices, septic tanks, septic tank drain fields, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, or subsequent to the proposed work;
- Plans for all off-site mitigation measures required under the Geologic Hazard Ordinance;
- Location of any proposed or existing buildings, structures or wells on the property where the work is to be performed and the location of any building, structures or wells on adjacent land which are within 15 feet of the property or which may be affected by the proposed grading operations;
- Location of all trees 18 inches or greater in diameter at a height of 2 feet above the adjacent ground and appropriate tree protection details for them;
- Include an erosion control plan, if deemed necessary by the City Project Engineer; and
- List of exceptions from standards established by this Code, as stated in the application.

## **STANDARD GRADING PLAN NOTES**

Note: This drawing is approved subject to:

1. All grading is subject to observation by the City. Permittee or representative shall notify the City of San Jose at (408) 277-5161 at least 48 hours before start of any grading.

The Project Inspector is \_\_\_\_\_ Voicemail No. (408) 998-\_\_\_\_\_

2. Approval of this plan applies only to the excavation, placement, and compaction of natural earth materials. This approval does not confer any rights of entry to either public property or the private property of others. Approval of this plan also does not constitute approval of any improvements. Proposed improvements are subject to review and approval by the responsible authorities and all other required permits shall be obtained.
3. It shall be the responsibility of the Permittee or agent to identify, locate and protect all underground facilities.
4. The permittee or agent shall maintain the streets, sidewalks and all other public rights-of-way in a clean, safe and usable condition. All spills of soil, rock or construction debris shall be removed from the publicly owned property during construction and upon completion of the project. All adjacent property, private or public shall be maintained in a clean, safe and usable condition.
5. All grading shall be performed in such a manner as to comply with the standards established by the Air Quality Management District for airborne particulates.
6. This project has been designed to comply with the Flood Hazard Area Regulations as stated in Chapter 17.08 of the San Jose Municipal Code.
7. All known well locations on the site have been included and such wells shall be maintained or abandoned according to current regulations administered by the Santa Clara Valley Water District. Call (408) 265-2600 Extension 2660 to arrange for District observation of all well abandonments.
8. In the event that Human Remains and/or Cultural Materials are found, all project-related construction should cease within a 100-foot radius. The contractor shall, pursuant to section 7050.5 of the Health and Safety code, and section 5097.94 of the Public Resources Code of the State of California, notify the Santa Clara County Coroner immediately.
9. This plan does not approve the removal of trees. Appropriate tree removal permits and methods of tree preservation should be obtained from the City Planning Department and the City Arborist.

10.

- A. The Civil Engineer for this project is: (Name and Address)**

\_\_\_\_\_

- B. This Rough Grading Plan has been prepared based on the recommendations of the referenced project Geotechnical Report.**

11.

- A. The Soil Engineer for this project is: (Name and Address)**

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- B. The Geotechnical Report for this project is:**

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## **STANDARD GRADING PLAN NOTES**

- C. All grading work shall conform to the recommendations of the project Geotechnical Report and/or the project Soil Engineer.
  - D. All grading work shall be observed and approved by the Soil Engineer. The Soil Engineer shall be notified at least 48 hours before beginning any grading. Unobserved and/or unapproved grading work shall be removed and replaced under observation.
12. A post construction "Final" Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the construction stating:
- A. "That the construction conforms to the lines and grades on the approved plans;" or
  - B. "that all significant changes were reviewed and approved in advance by the Department of Public Works" and the Civil Engineer shall submit a "Record Drawing" plan.
13. A post construction "Final" Report is required by the Director of Public Works from a Soil Engineer, and also from an Engineering Geologist if the project is in a Geologic Hazard Zone, stating:
- A. "that the anticipated conditions and materials and actual site conditions and materials were compatible," and supply supporting data; or
  - B. "that the design was modified to meet the new conditions and was reviewed and approved in advance by the Department of Public Works;" and provide supporting data for these statements.
14. According to the City's Waste Water Ordinance, the use of potable (piped or hydrant) water for building or construction purposes including consolidation of backfill or dust control is prohibited.
- Reclaimed water is available (on a cost recovery basis) from the City's Environmental Services Department, Water Pollution Control Division located at 700 Los Esteros Road. For more information, please call Patrick Kwok at (408) 945-5300.
- An application for an Exception Permit to approve use of hydrant water can be considered in the PW Development Services Office, Room 308. Fax-back service is provided for this permit application -- contact (408) 277-5161.
15. A Haul Route Permit is required for all projects moving more than 10,000 C.Y. of earth. This Grading Permit is invalid without the Haul Route Permit.
16. Grading will not be allowed between October 15<sup>th</sup> and April 15<sup>th</sup> of any year without erosion control plans and measures approved by the Director of Public Works.
17. A post construction "as-built" subdrain plan is required by the Director of Public Works from a Civil or Soils Engineer retained by the owner to provide the final horizontal and vertical locations of subdrains installed for this project site.

***Items 10 through 17 in bold, should only be included if applicable to the project.***

## **GRADING PERMIT FINAL REPORT GUIDELINES**

Grading plan approval is required to assure that the on-site grading meets the long term requirements of the development and that it does not adversely affect the off-site interests of the neighbors and the City. Final Reports by the Civil and Soils engineers assures that any grading deficiencies will be found, corrected, and documented before structures are constructed on the site.

The Final Report is required to attest that the actual conditions encountered during construction and the design assumptions based on the site investigation are compatible, or if they were not, define what mitigations were approved and executed to make them compatible, and that the construction work complied with the requirements of the approved plans and specifications.

The City requires that this report be prepared by the Civil, and Soils Engineers and Engineering Geologists who prepared the documents upon which the plans and specifications were approved. Should the Permittee change any of the professionals on the project, the replacing professionals shall be required to assume full responsibility for the suitability of their aspect of the project performance before such substitution will be approved by the city. A transfer of responsibility needs to be submitted in writing to the Director of Public Works.

The Final Report shall include all the following as applicable or as required by the Director of Public Works:

1. A Statement by the soil engineer as to the adequacy of the site as constructed for the intended use, together with locations and elevations of all field density tests, summaries of field and laboratory test results and other substantiating data, and comments on all changes made during the course of the work and their effect on the recommendations made in the soil engineering report.
2. A statement by the engineering geologist as to the adequacy of the site for the intended use with regard to site stability, as to geologic hazards, together with a description of the geologic hazards, together with a description of the geology of the site and the finished site conditions, including any new information disclosed during the course of the work and its effect on the recommendations made in the engineering geology report.
3. A statement of completion by the Permittee or his agent notifying the Director that all the grading work including installation of drainage facilities and the protective devices and all erosion and sediment control measures have been completed in accordance with the final approved grading plan and that the required plans and reports have been submitted.